

AUTHORIZING THE NEGOTIATION AND RATIFICATION OF SEPARATE SETTLEMENT CONTRACTS WITH THE SIOUX INDIANS OF THE LOWER BRULE AND THE CROW CREEK RESERVATIONS IN SOUTH DAKOTA FOR INDIAN LANDS AND RIGHTS ACQUIRED BY THE UNITED STATES FOR THE FORT RANDALL DAM AND RESERVOIR, MISSOURI RIVER DEVELOPMENT; AND TO AUTHORIZE AN APPROPRIATION FOR THE REMOVAL FROM THE TAKING AREA OF THE FORT RANDALL DAM AND RESERVOIR, MISSOURI RIVER DEVELOPMENT, AND THE REESTABLISHMENT OF THE INDIANS OF THE YANKTON INDIAN RESERVATION, S. DAK.

JULY 3, 1952.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. McMULLEN, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany H. R. 8293]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H. R. 8293) to authorize the negotiation and ratification of separate settlement contracts with the Sioux Indians of the Lower Brule and the Crow Creek Reservations in South Dakota for Indian lands and rights acquired by the United States for the Fort Randall Dam and Reservoir, Missouri River development; and to authorize an appropriation for the removal from the taking area of the Fort Randall Dam and Reservoir, Missouri River development, and the reestablishment of the Indians of the Yankton Indian Reservation, S. Dak., having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

EXPLANATION OF THE BILL

H. R. 8293 provides for (1) the negotiation of settlement contracts with the Sioux Indians of the Lower Brule and Crow Creek Reservations, S. Dak., for the taking of such Indians' lands that will be inundated by the reservoir created by the Fort Randall Dam, and (2) the authorization for expenditure of \$106,500 for the relocation of the

Yankton Sioux Tribe whose lands also will be inundated but who have been compensated for the taking thereof.

The Rivers and Harbors Flood Control Act of 1944 authorized certain flood-control developments on the Missouri River, and the Fort Randall Dam in the State of South Dakota is one of the projects in the Missouri River development. The construction of the Fort Randall Dam is now in progress, and it is anticipated that the reservoir will begin to form in the early part of next year with the result that certain Indian lands will be covered by water. Presently there is no specific legislation for compensating the Indians for the taking of such lands by the Federal Government. It is true that pursuant to the afore-mentioned flood-control authority the Corps of Engineers have authority to take such lands by right of condemnation. In fact, the lands belonging to the Sioux Indians on the Yankton Indian Reservation to be flooded by the Fort Randall Dam have been condemned and the Indians have been awarded compensation in the amount of \$132,323.98. The Indians, however, object to the taking of their lands by condemnation.

H. R. 8293 provides a method of settlement for the taking of these lands in that it provides for the negotiation of settlement contracts, which contracts shall before becoming effective, receive the approval of the Congress.

Three Indian reservations will be flooded in part by the construction of Fort Randall Dam. They are the Lower Brule Reservation, Crow Creek Reservation, and the Yankton Reservation, all within the State of South Dakota. The lands within the taking area of the Fort Randall project that is within the Lower Brule and Crow Creek Reservations lie on both sides of the Missouri River and includes some of the best reservation lands. These lands constitute about 8,450 acres of the Crow Creek Reservation and 5,610 acres of the Lower Brule Reservation which is about 4.6 percent of the trust areas of the two reservations. Regarding these two reservations, 51 families live within the reservoir site and will as a result have to be moved. Forty-five of such families reside on the Crow Creek Reservation, and six on the Lower Brule Reservation. The lands to be taken are of general agricultural use, including cattle raising, crops, timber, water, etc.

In presenting this matter to the committee, the Department of the Interior gave information with respect to the objectives of the bill regarding the Crow Creek and Lower Brule Reservation as follows:

1. To compensate the Indians, tribally and individually, for the tangible losses they will sustain.
2. To pay the necessary expenses of the Indians in removing from their present homes to their new ones.
3. To assist the Indians in readjusting their social, economic, and religious life in relation to the residual lands of the two reservations.
4. To assist the Indians in developing alternative supplies of fuel and in developing new sources of domestic and livestock water supplies on the residual lands of their reservations.
5. To defray the costs of disinterring, removing, and reintering Indian private burials.
6. To adjust the Indians' fishing, hunting, and trapping rights established by treaty to the new conditions which will be created after the flooding of the Fort Randall Reservoir.

7. To compensate the Indians for intangible losses they will sustain.

8. To effect a general rehabilitation and readjustment of the Indians in terms of the changed conditions with which they will be confronted.

As before stated, the Yankton Sioux Tribe has been compensated for the taking of their lands by condemnation, and the only provision in the bill regarding such Indians is that with respect to their relocation and adjustment, and for this there is authorized the expenditure of \$106,500. These funds will supplement the awards received by the Indians for the value of their lands. The Department advises that the funds for the Yanktons will be expended in amounts as follows:

Estimated requirements of land purchase, 720 acres at \$100 per acre---	\$72, 000
Physical transportation of personal effects, 16 families at \$100 each----	1, 600
Interim subsistence and incidental costs, 16 families at \$500 each-----	8, 000
Windbreaks and sheds to replace natural shelter, 10 at \$800 each-----	8, 000
Moving, reconditioning, foundation construction for homes and buildings, 8 at \$800-----	6, 400
Development of water: Wells, 12 at \$400; cisterns, 4 at \$500; stock pens, 5 at \$740-----	10, 500
Grand total-----	106, 500

The committee feels that immediate, favorable consideration should be given to the measure in order that the Indians may be properly compensated for lands taken from them by the Federal Government, and provide the means to quickly relocate them to new lands. There is ample precedent for this legislation since other flood-control dams on the Upper Missouri involved the taking of Indian lands and the Congress has provided similar settlements for the Indians of the Fort Berthold Reservation in North Dakota, Indians of the Standing Rock Reservation in North and South Dakota, and the Indians of the Cheyenne River Reservation in South Dakota. The Committee therefore unanimously recommends enactment of the legislation.

The Department of the Interior reported orally to the committee in favor of this legislation, and in fact, proposed the bill as now written.



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Estimated requirements of land purchase, 750 acres at \$100 per acre	\$75,000
Estimated transportation of personal effects, 10 families at \$100 each	1,000
Estimated subsistence and medical costs, 10 families at \$500 each	5,000
Medical readjustment, foundation construction for homes and buildings	8,000
Readjustment of cattle, 12 at \$500; horses, 1 at \$250; sheep, none	6,000
Grand total	\$100,000

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